

**STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD JUDICIAL DISTRICT COURT**

JAVIER RODRIGUEZ,

Plaintiff,

vs.

D-307-CV-2015-02506

No. CV-2015-_____

Judge:_____

**LAS CRUCES MEDICAL CENTER, LLC.,
D/B/A MOUNTAIN VIEW REGIONAL MEDICAL CENTER,
AFFILION, LLC., BRUCE GLEASON, M.D., PHC LAS CRUCES INC. D/B/A
MEMORIAL MEDICAL CENTER, LAS CRUCES EMERGENCY
MEDICAL ASSOCIATES, INC, ANDREW PEARSON, M.D., BEN ARCHER
HEALTH CENTER, INC AND JIU LUO, M.D.**

Defendant.

COMPLAINT FOR MEDICAL MALPRACTICE

**I.
PARTIES AND JURISDICTION**

1. Plaintiff Javier Rodriguez resides in Dona Ana County, New Mexico.
2. Las Cruces Medical Center, LLC. is foreign limited liability company licensed to do business in New Mexico.
3. Affilion, LLC. is a domestic limited liability company.
4. Bruce Gleason, M.D. is an employee of Affilion, LLC.
5. PHC-Las Cruces, Inc. is a domestic corporation.
6. Las Cruces Emergency Medical Associates, Inc. is a domestic corporation.
7. Andrew Pearson, M.D. is an employee of Las Cruces Emergency Medical Associates, Inc.
8. Ben Archer Health Center, Inc. is a domestic non-profit corporation.
9. Jiu Luo, M.D. is an employee of Ben Archer Health Center, Inc.

10. The incidents giving rise to this litigation occurred in Dona Ana County, New Mexico.

11. Jurisdiction and venue are therefore proper in the Third Judicial District Court, County of Dona Ana.

12. Plaintiff has complied with the conditions precedent to suit outlined in NMSA 1978 § 41-5-1 et. seq.

II.

FACTS

13. Paragraphs 1 through 12 are incorporated herein by reference.

14. On February 02, 2015, Plaintiff presented at Las Cruces Medical Center, LLC. with complaints of left side numbness, left side weakness, hot flashes, and vision changes.

15. While at Las Cruces Medical Center, LLC., Plaintiff was examined by Bruce Gleason, M.D., an employee of Affilion, LLC.

16. Affilion, LLC. provides emergency physician services to Las Cruces Medical Center, LLC.

17. Plaintiff was also examined by Las Cruces Medical Center, LLC. staff.

18. Neither Bruce Gleason, M.D. nor the staff of Las Cruces Medical Center, LLC. diagnosed stroke.

19. Plaintiff was discharged from Las Cruces Medical Center, LLC. on the same day.

20. Also on February 02, 2015, Plaintiff presented at PHC-Las Cruces, Inc.

21. Plaintiff complained of left side weakness and left side numbness.

22. Plaintiff was examined by Andrew Pearson, M.D.

23. Andrew Pearson, M.D. is employed by Las Cruces Emergency Medical Associates, Inc.

24. Las Cruces Emergency Medical Associates, Inc. provides emergency medical services to PHC-Las Cruces, Inc.

25. Plaintiff was also examined by PHC-Las Cruces, Inc. staff.

26. Neither Andrew Pearson, M.D. or PHC-Las Cruces, Inc. staff diagnosed stroke.

27. Plaintiff was discharged from PHC-Las Cruces, Inc. on the same day.

28. On February 03, 2015, Plaintiff presented at Ben Archer Health Center, Inc.

29. Plaintiff complained of left side numbness.

30. Plaintiff was examined by Jiu Luo, M.D.

31. Jiu Luo, M.D. failed to diagnose stroke.

32. Plaintiff was discharged from Ben Archer Health Center, Inc. on the same day.

33. On February 09, 2015, Plaintiff again presented at Ben Archer Health Center, Inc.

34. Plaintiff complained of left side numbness and left side weakness which was worse than it had been previously, as well left side swelling.

35. Plaintiff was again examined by Jiu Luo, M.D.

36. Jiu Luo, M.D. admitted Plaintiff to PHC-Las Cruces, Inc.

37. On February 09, 2015 at PHC-Las Cruces, Inc., Plaintiff was diagnosed with stroke.

III. ACTION FOR MEDICAL MALPRACTICE

38. Paragraphs 1 through 37 are incorporated herein by reference.

39. Bruce Gleason, M.D., Andrew Pearson, M.D., Jiu Luo, M.D., the staff of Las Cruces Medical Center, LLC. and the staff of PHC-Las Cruces, Inc. failed to exercise due care

by failing to diagnose Plaintiff as suffering from a stroke despite his presenting with stroke symptoms.

40. Affilion, LLC. is liable for the negligence of Bruce Gleason, M.D. under the doctrine of respondeat superior.

41. Las Cruces Medical Center, LLC. is liable for the negligence of its own employees under the doctrine of respondeat superior.

42. Las Cruces Medical Center, LLC. is also liable for the negligence of employees of Affilion, LLC. as its parent agency.

43. Las Cruces Emergency Medical Associates, Inc. is liable for the negligence of Andrew Pearson, M.D. under the doctrine of respondeat superior.

44. PHC-Las Cruces, Inc. is liable for the negligence of its employees under the doctrine respondeat superior.

45. PHC-Las Cruces, Inc. is also liable for the actions of Las Cruces Emergency Medical Associates, Inc. as its parent agency.

46. Ben Archer Medical Center, Inc. is liable for the negligence of Jiu Luo, M.D. under the doctrine of respondeat superior.

47. Defendants' failure to exercise due care by correctly diagnosing Plaintiff as having a stroke failed to meet the standard of care for medical treatment in Las Cruces, N.M.

48. Defendants' failure to exercise due care by not diagnosing Plaintiff as having a stroke directly and proximately caused Plaintiff damages in that medical injuries could have been avoided or ameliorated had Plaintiff been properly diagnosed and treated for stroke.

49. Plaintiff's damages include, but are not limited to, bodily injury, medical bills, the cost of future medical treatment, lost wages, future earning capacity, pain and suffering, emotional distress and lost enjoyment of life.

IV.

PRAYER FOR RELIEF

WHEREFORE Plaintiff requests that judgment be taken against Defendants for compensatory damages in an amount reasonably necessary to compensate Mr. Rodriguez for his damages, pre-judgment and post-judgement interest, costs and such other and further relief as the court may deem appropriate.

Respectfully submitted,

Almanza Abrams, P.A.

Electronically filed 12-07-15

/s/ Jared Abrams

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